

Australian government to deport Tamil refugee despite torture warnings

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22 February 2018

A 46-year-old Tamil asylum seeker, Santharuban Thangalingam, imprisoned in a detention facility in the Melbourne suburb of Broadmeadows, was due to be deported today by the Australian government, despite the risk of torture and imprisonment on return to Sri Lanka.

The Australian Border Force (ABF), the para-military agency that oversees the capture and removal of asylum seekers, issued Thangalingam with a deportation notice on February 8. The ABF told him he will be physically escorted on his flight to Colombo and not permitted any visitors. Thangalingam refused to sign the deportation order.

Thangalingam is a victim of two policies pursued by successive Australian governments. One is the anti-refugee “border protection” regime of barring entry to asylum seekers trying to flee to Australia by boat. The other is a concerted push by Canberra, in partnership with Washington, to firmly align Sri Lanka, a strategically-located island in the Indian Ocean, behind the US-led drive to combat China’s growing influence across the Indo-Pacific region.

Last October, the UN Committee against Torture asked the current Turnbull Liberal-National government to “refrain from returning [Thangalingam] to the Republic of Sri Lanka while his complaint is under consideration.” It was an interim measure to prevent his deportation, pending an investigation.

According to the UN brief submitted on December 26, Thangalingam was a senior member of the separatist Liberation Tigers of Tamil Eelam (LTTE), working in its naval wing, the Sea Tigers. In May 2009, nearly three decades of civil war in Sri Lanka ended with the LTTE’s defeat and the imposition of de facto military rule in the country’s north and east.

Prime Minister Malcolm Turnbull’s government

flatly rejected Thangalingam’s application for refugee status under the UN test of fearing persecution if forcibly returned to Sri Lanka. His application was refused on the basis that he did not reveal his connection to the LTTE when he first arrived in Australia in 2012.

A former member of the Sri Lankan parliament, M. K. Shivajilingam, has confirmed that Thangalingam played a leading role in the LTTE. A former LTTE member, Manoharan Thanapalasingam, also confirmed his role, saying: “[I] believe 100 percent that he’ll be tortured and [I] will not be surprised if he’s arrested right at the airport ... and then taken to military camps ... and that he’ll be tortured indefinitely.”

Australia’s permanent mission to the UN in Geneva dismissed the UN request, declaring “it is not necessary to take the interim measures requested” because “there were not substantial grounds for believing [Thangalingam] faces a real risk of irreparable harm if returned to Sri Lanka.”

On February 19, just four days before Thangalingam was due for deportation, the UN withdrew its interim request, effectively approving the deportation of a man who faces brutalisation at the hands of the Sri Lankan authorities.

Thangalingam initially did not report his connection to the LTTE because he feared deportation and punishment. This was not an unfounded fear. In August 2012, Australia’s Greens-backed Gillard Labor government, in a move to strengthen geo-strategic relations with Sri Lanka’s authoritarian President Mahinda Rajapakse, began mass deportations of refugees to Colombo, initially sending back 700.

In December 2012, Labor’s Foreign Minister Bob Carr conducted a four-day visit to Sri Lanka, during which he announced direct military cooperation with

the Rajapakse government, including “intelligence sharing,” under the fraudulent banner of combatting “people smuggling” of refugees.

Since then Labor and Liberal-National governments alike have continued the mass deportations, including 29 Sri Lankan asylum seekers who were deported last December, three months after the Australian High Court sanctioned the policy of forcible removal.

There are many documented cases of Tamil refugees, especially alleged LTTE members or supporters, being tortured by the Criminal Investigation Department (CID) after being deported to Sri Lanka.

Despite this, the current Sri Lankan government of President Maithripala Sirisena, like that of his predecessor Rajapakse, has denied any mistreatment of refugees or the Tamil minority. Prime Minister Ranil Wickremesinghe, when visiting Australia last year, said: “They [Tamils who fled the country] are welcome to return to Sri Lanka and we won’t prosecute them.”

Sirisena’s administration has been painted as less ruthless than Rajapakse’s. In truth, the torture and imprisonment of Tamils has continued. Victims, speaking to the Associated Press after fleeing to Europe last year, described physical and sexual torture at the hands of the CID during 2016 and 2017. All the men were rounded up under the pretext of working with the LTTE.

A Tamil Refugee Council spokesman, Aran Mylvaganam, said the deportation notice against Thangalingam “ignores the reality facing returning Tamils.” He stated: “Members and suspected former members of the LTTE continue to be disappeared, detained, tortured and harassed by the Sri Lankan security forces.”

Mylvaganam also cited numerous condemnations by UN agencies of Australia’s “violations of human rights.” He commented: “It is unreasonable for the Committee against Torture to accept the testimony of the Australian government while ignoring eye-witness testimony of refugees in this case.”

Turnbull’s government has refused to comment on the deportation. Instead, a Home Affairs Department spokesperson told the *Guardian*: “Australia does not remove people to their country of origin where it would be inconsistent with Australia’s protection obligations.”

In reality, Australian governments have

systematically violated the UN refugees convention since the late 1990s, repelling asylum seekers, often without even permitting them to apply for protection visas. Thousands more have been detained in onshore and offshore prison camps, effectively indefinitely, in defiance of the international treaty, which forbids punishment of refugees, regardless of how they seek to enter a country.

All Australia’s main political parties are responsible for the mass deportations of Sri Lankan asylum seekers to face possible torture and death, including the Greens, who propped up the minority Labor government from 2010 to 2013.



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